

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

---

In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7 Bankruptcy

Debtor.

---

**NOTICE OF HEARING AND EXPEDITED MOTION FOR AN ORDER  
AUTHORIZING SALE OF ASSETS FREE AND CLEAR OF LIENS AND OTHER  
INTERESTS AND ASSUMPTION AND ASSIGNMENT OF LEASES**

TO: PARTIES SPECIFIED IN LOCAL RULE 9013-3.

1. Randall L. Seaver, the duly-appointed Chapter 7 Trustee in the above-referenced bankruptcy case ("Trustee"), moves the Court for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on this motion at 9:30 a.m. on September 9, 2009, before the Honorable Robert J. Kressel, United States Bankruptcy Court, Courtroom 8 West, 300 South Fourth Street, Minneapolis, Minnesota 55415.

3. While this is an expedited motion, the notice period is actually larger than a normal motion. Accordingly, any response to this motion must be filed and delivered no later than September 3, 2009 which is three (3) days before the time set for the hearing (excluding Saturdays, Sundays, and holidays), or filed and served by mail not later than August 28, 2009, which is seven (7) days before the time set for the hearing (excluding Saturdays, Sundays, and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§157 and 1334, Rule 5005 of the Federal Rules of Bankruptcy Procedure ("**Bankruptcy Rules**"), and Local Rules 1070-1 and 1073-1. This is a core proceeding. This case was commenced as a Chapter 7 proceeding on June 4, 2009 (the "**Filing Date**"). The case is now pending before this Court.

5. This Motion arises under 11 U.S.C. §§363 and 365 and Bankruptcy Rule 6004. The Trustee seeks to sell and assign Debtor's membership interest, specifically, Ownership Interest Numbers 157, 186, 270, 271 and 363 in Bayport Marina Association, Inc. ("**Membership Interests**"). Further, the Trustee seeks to assume and assign the Member Power Boat Slip Lease Agreements ("**Slip Contracts**") which correspond to the Membership Interests. The documentation evidencing the Membership Interests and Slip Contracts is attached hereto as Exhibit A.

6. Ownership of the Membership Interests entitles the owner to enter into the Slip Contracts.

7. Debtor has also subleased the slips subject to the Slip Contracts to third parties pursuant to separate lease agreements ("**Subleases**"). Copies of the Subleases are attached hereto as Exhibit B.

8. The Trustee will assume and assign the Slip Contracts and Subleases ("**Contracts**") to Buyer.

9. The Trustee received an offer of \$1.1 million dollars from Hasse A&Y, LLC ("**Buyer**") to purchase the Membership Interests on or before September 10, 2009 ("**Offer**"). A copy of the term sheet is attached hereto as Exhibit C. Buyer is a Delaware limited liability corporation and the Trustee is unaware of any relationship or affiliation of the Buyer with the Debtor, his agents or assigns.

10. The terms of purchase are more specifically described in the Offer.

11. The Trustee believes that the sum of \$16,014.41 is required to cure amounts due on the Slip Contracts and the Trustee proposes to pay said amount from the sale proceeds.

12. The sale will be free and clear of interest of any parties. The net proceeds of the sale would be subject to any secured party's interests and would be held in the trustee's trust account subject to further order of the Court with the exception that the Trustee will surcharge the proceeds in the amount of \$50,000.00 pursuant to 11 U.S.C. §506(c) and the consent of alleged secured creditors, Crown Bank and Chrysler Financial Services Americas LLC ("Chrysler Financial").<sup>1</sup>

13. The Trustee expects that other potential buyers may want to be heard on this Motion.

14. Other interested buyers may give notice of their desire to outbid Buyer at least 24 hours prior to the hearing. The Trustee will entertain other offers made in \$10,000.00 increments over Buyer's offer. Buyer has requested a \$5,000.00 "break up fee" which the Trustee will honor with the proceeds of the highest bidder and the Trustee seeks Court approval to do the same.

15. The highest bidder must be able to close immediately after Court approval of the sale of Membership Interests and assumption and assignment of Contracts.

16. Expedited relief is required as Buyer desires approval by September 10, 2009. Bankruptcy Rule 2002 requires 20 days notice by mail and this motion is being served and filed with 19 days notice by mail.

17. Pursuant to Local Rule 9013-2(c), the Trustee gives notice that he may, if necessary, testify at the hearing regarding the proposed sale.

---

<sup>1</sup> Crown Bank and Chrysler Financial each asserts a perfected security interest in the Asset and Contracts. Crown Bank has other collateral, namely a lot in Brainerd, MN estimated to have a value of \$400,000.00. Crown Bank has consented to the Trustee's additional surcharge of \$50,000.00 when the Brainerd lot is sold.

**WHEREFORE**, the Trustee moves the Court for an order authorizing a sale of the Membership Interests of the Debtor free and clear of interests and assumption and assignment of the Contracts, and granting such other relief as the Court may deem just and equitable.

**LEONARD, O'BRIEN  
SPENCER, GALE & SAYRE, LTD.**

Dated: August 25, 2009

/e/ Matthew R. Burton

By \_\_\_\_\_  
Matthew R. Burton, #210018  
Attorneys for Randall L. Seaver, Trustee  
100 South Fifth Street, Suite 2500  
Minneapolis, Minnesota 55402  
(612) 332-1030

**VERIFICATION**

I, Randall L. Seaver, Trustee for the Bankruptcy Estate of Dennis E. Hecker named in the foregoing Notice of Hearing and Motion declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

/e/ Randall L. Seaver

Executed on August 25, 2009

---

Randall L. Seaver, Trustee

407701

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

---

In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7 Bankruptcy

Debtor.

---

**MEMORANDUM IN SUPPORT OF MOTION AUTHORIZING SALE OF ASSETS  
AND ASSUMPTION AND ASSIGNMENT OF EXECUTORY CONTRACTS**

Randall L. Seaver, Trustee (“**Trustee**”) seeks approval of the sale of membership interests and concomitant executory contracts related to Debtor’s boat slips at the Bayport Marina.

Section 363 of the Bankruptcy Code provides, in part, as follows:

(b)(1) The Trustee, after notice and a hearing, may use, sell, or lease, other than in the ordinary course of business, property of the estate.

Section 365 of the Bankruptcy Code provides, in part, as follows:

(a) Except as provided in Section 765 and 766 of this title and in subsections (b), (c), and (d) of this Section, the trustee, subject to the court’s approval, may assume or reject any executory contract or unexpired lease of the debtor.

The Trustee seeks to make the sale of the membership interests and to assume and assign the executory contracts to Hasse A&Y, LLC or the highest bidder at the time of the hearing. The Trustee is seeking to surcharge the proceeds in the amount of \$50,000.00 pursuant to 11 U.S.C. §506(c) and the consent of the known alleged secured creditors, Crown Bank and Chrysler Financial Services Americas LLC. The Trustee believes that it is in the estate’s best interest, and in the best interest of its creditors, that the Court approve the motion before the Court.

Expedited relief is need under Local Rule 9006-1(e), as Buyer needs approval by September 10, 2009 and this motion does not comply with Bankruptcy Rule 2--2 (i.e, not 20 days notice by mail).

**LEONARD, O'BRIEN  
SPENCER, GALE & SAYRE, LTD.**

/e/ Matthew R. Burton

Dated: August 24, 2009

By \_\_\_\_\_

Matthew R. Burton, #210018  
Attorneys for Randall L. Seaver, Trustee  
100 South Fifth Street, Suite 2500  
Minneapolis, Minnesota 55402  
(612) 332-1030

407702

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

---

In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

---

**UNSWORN CERTIFICATE OF SERVICE**

---

I hereby certify that on August 25, 2009, I caused the following documents:

***Notice of Hearing and Motion for an Order Authorizing Sale of Assets Free and Clear of Liens and Other Interests and Assumption and Assignment of Leases, Memorandum in Support of Motion Authorizing Sale of Assets and Assumption and Assignment of Executory Contracts, and Proposed Order.***

to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

- Patti H Bass ecf@bass-associates.com
- Bruce H. Carlson bruce.carlson@mlcfargolaw.com, tricia.fossen@mlcfargolaw.com
- Monica L. Clark clark.monica@dorseylaw.com
- Gordon B. Conn conn@kwgc-law.com
- Clinton E. Cutler ccutler@fredlaw.com, mdavis@fredlaw.com
- Stephen F Grinnell stephen.grinnell@gpmlaw.com
- Douglas W. Kasseebaum dkassebaum@fredlaw.com, scharter@fredlaw.com;bankruptcy@fredlaw.com
- Jeffrey D. Klobucar jklobucar@foleymansfield.com
- Connie Lahn connie.lahn@fmjlaw.com, Aong.Moua@fmjlaw.com
- Thomas Lallier tlallier@foleymansfield.com
- Joseph W. Lawver jlawver@messerlikramer.com, mnygaard@messerlikramer.com
- Nauni J Manty ecf@mantylaw.com

- Michael L Meyer [mlmeyer@ravichmeyer.com](mailto:mlmeyer@ravichmeyer.com)
- Ralph Mitchell [rmitchell@lapplibra.com](mailto:rmitchell@lapplibra.com), [jpipp@lapplibra.com](mailto:jpipp@lapplibra.com)
- Andrew Paul Moratzka [apm@mcmllaw.com](mailto:apm@mcmllaw.com), [jef@mcmllaw.com](mailto:jef@mcmllaw.com); [ldj@mcmllaw.com](mailto:ldj@mcmllaw.com)
- Cynthia A. Moyer [cmoyer@fredlaw.com](mailto:cmoyer@fredlaw.com), [cthomas@fredlaw.com](mailto:cthomas@fredlaw.com)
- Robert G. Parish [rparish@faegre.com](mailto:rparish@faegre.com)
- Jamie R. Pierce [jpierce@hinshawlaw.com](mailto:jpierce@hinshawlaw.com), [akulbeik@hinshawlaw.com](mailto:akulbeik@hinshawlaw.com); [mpocock@hinshawlaw.com](mailto:mpocock@hinshawlaw.com); [kmoore@hinshawlaw.com](mailto:kmoore@hinshawlaw.com)
- Recovery Management Systems Corp [claims@recoverycorp.com](mailto:claims@recoverycorp.com)
- Craig E. Reimer [creimer@mayerbrown.com](mailto:creimer@mayerbrown.com), [samahdi@mayerbrown.com](mailto:samahdi@mayerbrown.com); [srozen@mayerbrown.com](mailto:srozen@mayerbrown.com); [hroin@mayerbrown.com](mailto:hroin@mayerbrown.com)
- David E. Runck [david.runck@fmjlaw.com](mailto:david.runck@fmjlaw.com), [Aong.Moua@fmjlaw.com](mailto:Aong.Moua@fmjlaw.com)
- Randall L. Seaver [rlseaver@fullerseaverramette.com](mailto:rlseaver@fullerseaverramette.com), [rseaver@ecf.epiqsystems.com](mailto:rseaver@ecf.epiqsystems.com)
- Brad A Sinclair [bsinclair@serklandlaw.com](mailto:bsinclair@serklandlaw.com), [crohr@serklandlaw.com](mailto:crohr@serklandlaw.com)
- Rebecca G. Sluss [rsluss@oppenheimer.com](mailto:rsluss@oppenheimer.com)
- Matthew A Swanson [matthew.swanson@leonard.com](mailto:matthew.swanson@leonard.com), [callie.sanford@leonard.com](mailto:callie.sanford@leonard.com)
- US Trustee [ustpregion12.mn.ecf@usdoj.gov](mailto:ustpregion12.mn.ecf@usdoj.gov)

I further certify that I caused a copy of the foregoing documents to be faxed, e-mailed and/or mailed by first class mail, postage paid, to the following:

**SEE ATTACHED SERVICE LIST**

/e/ Stephanie Wood

Dated: August 25, 2009

---

Stephanie Wood  
100 South Fifth Street, Suite 2500  
Minneapolis, MN 55402  
(612) 332-1030

407733

**DENNIS E. HECKER  
BKY CASE NO. 09-50779  
SERVICE LIST**

HSBC BANK NEVADA, N.A.  
BASS & ASSOCIATES, P.C.  
3936 E. FT. LOWELL RD., SUITE 200  
TUCSON, AZ 85712

HYUNDAI CAPITAL AMERICA  
400 FLAGSHIP CORPORATE CENTER  
775 PRAIRIE CENTER DRIVE  
EDEN PRAIRIE, MN 55344

RECOVERY MANAGEMENT SYSTEMS CORP  
25 SE 2ND AVE  
SUITE 1120  
MIAMI, FL 33131

UNITED STATES RENT A CAR, INC.  
4744 PARADISE ROAD  
LAS VEGAS,, NV 89121

ACE INSURANCE COMPANY  
P.O. BOX 294836  
CLEVELAND OH 44101

ALDRIDGE, DAN  
11700 CROSS AVE  
CROSSLAKE MN 56442

ALLEN EIDE  
3221 32ND AVENUE SOUTH  
SUITE 900  
GRAND FORKS ND 58201

ALLIANCE BANK  
55 EAST 5TH STREET, SUITE 115  
ST. PAUL MN 55101

AMERICAN BANK  
1060 DAKOTA DRIVE  
MENDOTA HEIGHTS MN 55120

AMERICAN EXPRESS  
P. O. BOX 0001  
LOS ANGELES CA 90096

AMERICAN NATIONAL BANK OF MN  
7638 WOIDA RD  
BAXTER MN 56425

ANCHOR BANK  
1570 CONCORDIA AVE  
SAINT PAUL MN 55104

ANCHOR BANK  
P.O. BOX 7933  
MADISON WI 53707

AV CARD/OASIS  
164 LAKE FRONT DR  
COCKEYSVILLE MD 21030

AXIS CAPITAL, INC.  
308 N LOCUST ST  
PO BOX 2555  
GRAND ISLAND NE 68802

AXLE CAPITAL, LLC / SAGECREST  
3 PICKWICK PLAZA  
GREENWICH CT 06830

AMERICAN BANK  
1578 UNIVERSITY AVENUE W  
SAINT PAUL, MN 55104

AMERICAN EXPRESS BANK FSB  
C/O BECKET AND LEE LLP  
PO BOX 3001  
MALVERN PA 19355-0701

BARBARA LYNN CUTTER  
2350 S BEVERLY GLEN BLVD #5  
W LOS ANGELES CA 90064

BAYPORT MARINA ASSOCIATION  
200 5TH STREET  
BAYPORT MN 55003

BELISLE, WAYNE  
1843 EAGLE RIDGE DR  
SAINT PAUL MN 55118

BELLAGIO  
3600 LAS VEGAS BLVD  
LAS VEGAS NV 89109

BREICH, WALTER  
13670 -- 122ND STREET  
NORWOOD YOUNG AMERICA MN 55368

BREMER BANK  
633 SOUTH CONCORD STREET, SUITE 350  
SOUTH ST. PAUL MN 55075

BRIGGS & MORGAN PA  
2200 IDS CENTER  
MINNEAPOLIS MN 55402

C AND C BOAT WORKS  
36448 CTY RD 66  
CROSSLAKE MN 56442

CA BOARD OF EQUALIZATION  
PO BOX 942879  
SACRAMENTO CA 94279-7072

CA DEPT OF MOTOR VEHICLES  
PO BOX 942869  
SACRAMENTO CA 94269-0001

CARLTON FINANCIAL CORPORATION  
1907 E. WAYZATA BLVD. SUITE 180  
WAYZATA MN 55391

CENTER POINT ENERGY  
P.O. BOX 1144  
MINNEAPOLIS MN 55440

CESSNA AIRCRAFT COMPANY  
P.O. BOX 12270  
WICHITA KS 67277

CHRYSLER FINANCIAL  
CIMS 740-01-19  
6400 S FIDDLERS GREEN CIR., STE. 700  
ENGLEWOOD CO 80111-4979

CHRYSLER FINANCIAL SERVICES  
CIMS 405-23-01  
27777 INKSTER RD  
FARMINGTON MI 48334

CITY OF ASPEN  
130 S. GALENA ST.  
ASPEN CO 81611

CITY OF BAYPORT  
294 N. 3RD STREET  
BAYPORT MN 55003

CITY OF MEDINA  
2052 CO RD 24  
HAMEL MN 55340

COMMUNITY NATIONAL BANK  
845 EAST COUNTY ROAD E  
VADNAIS HEIGHTS MN 55127

CONDOR FIREPLACE & STONE CO  
8282 ARTHUR ST NE  
MINNEAPOLIS MN 55432

COOPERATIVE POWER  
P.O. BOX 69  
TWO HARBORS MN 55616

CORNERSTONE BANK  
2627 SOUTH UNIVERSITY  
FARGO ND 58103

CRAIG E. REIMER, ESQ.  
MAYER BROWN  
71 SOUTH WACKER DRIVE  
CHICAGO IL 60606

CROSSLAKE PROPERTY SOLUTIONS  
P.O. BOX 810  
CROSSLAKE MN 56442

CROW WING COUNTY TREASURER  
JUDICIAL CENTER  
213 LAUREL ST  
BRAINERD MN 56401

CROWN BANK  
6600 FRANCE AVENUE SOUTH, SUITE 125  
EDINA MN 55435

CARLTON FINANCIAL CORPORATION  
1902 E. WAYZATA BLVD., SUITE 180  
WAYZATA, MN 55391-2064

CHRYSLER FINANCIAL SERVICES AMERICAS LLC  
C/O ANNE M. KLINE, SR. MANAGER-NATIONAL  
27777 INKSTER ROAD  
CIMS 405-23-05  
FARMINGTON HILLS, MI 48334-5326

DEERWOOD BANK  
P.O. BOX 527  
724 W. WASHINGTON STREET  
BRAINERD MN 56401

DON GILBERT  
1700 PHEASANT RUN  
HUDSON WI 54016

DONALD M HALSTEAD III  
15626 SUNSET WAY  
BRAINERD MN 56401

ELIZABETH A JOHNSON  
PO BOX 624  
PINE RIVER MN 56474

ENCORE BANK  
3003 TAMAMI TRAIL NORTH, SUITE 100  
NAPLES FL 34103

EXXONMOBILE OIL CORPORATION  
ATTN JENNIFER FRASER  
120 MCDONALD STREET SUITE B  
SAINT JOHN NB CANADA E2J 1M5

FAMILY HOLDINGS OF MN LLC  
11614 ECHO BAY DRIVE  
CROSSLAKE MN 56442

FIFTH THIRD BANK  
999 VANDERBILT BEACH, 7TH FLOOR  
MD B9997E  
NAPLES FL 34108

FIFTH THIRD BANK  
C/O RICHARD J. SWIFT, JR.  
GARLICK STETLER & SKRIVIAN LLP  
9115 CORSEA DE FONTANA WAY STE 100  
NAPLES FL 34109

GE CAPITAL  
1415 WEST 22ND STREET, SUITE 600  
OAKBROOK IL 60523

GE CAPITAL, FLEET SERVICES  
3 CAPITAL DRIVE  
EDEN PRAIRIE MN 55344

GELCO CORP  
THREE CAPITAL DR  
EDEN PRAIRIE MN 55344

GELCO CORPORATION  
THREE CAPITAL DRIVE  
ATTN: GENERAL COUNSEL  
EDEN PRAIRIE MN 55344

GEMB LENDING INC  
2995 RED HILL AVE STE 250  
COSTA MESA CA 92626

GEMB LENDING, INC.  
P.O. BOX 57091  
IRVINE CA 92619

GMAC MORTGAGE  
9661 W. 143RD STREET  
SUITE 200  
ORLAND PARK IL 60462

GMAC MORTGAGE  
P.O. BOX 4622  
WATERLOO IA 50704

GMAC, LLC  
15303 94TH AVENUE  
ORLAND PARK IL 60462

GWYN M DOENZ  
10600 COUNTRY DRIVE  
PINE CITY MN 55063

HECKER, SANDRA  
13755 - 84TH PL N  
MAPLE GROVE MN 55369

HENNEPIN COUNTY TREASURER  
300 S SIXTH ST  
A600 GOVERNMENT CNT  
MINNEAPOLIS MN 55487

HOLY CROSS ENERGY  
3799 HWY 82  
GLENWOOD SPRINGS CO 81602

HOME FEDERAL SAVINGS BANK  
1016 CIVIC CENTER DR NW  
STE 300  
ROCHESTER MN 55903

HSBC BANK NEVADA NA  
BASS & ASSOCIATES, PC  
3936 E FT LOWELL RD, STE 200  
TUCSON AZ 85712

HYUNDAI MOTOR AMERICA  
10550 TALBERT AVE  
MOUNTAIN VALLEY CA 92708

HYUNDAI MOTOR FINANCE COMPANY  
10550 TALBERT AVENUE  
MOUNTAIN VALLEY CA 92708

INTER BANK  
P.O. BOX 986  
NEWARK NJ 07184

INTERBANK EDINA  
3400 WEST 66TH STREET, SUITE 100  
EDINA MN 55435

INTERNAL REVENUE SERVICE  
SPECIAL PROCEDURES BRANCH  
389 US COURTHOUSE 316 N ROBERT  
ST. PAUL MN 55101

IRS  
DEPARTMENT OF TREASURY  
OGDEN UT 84201

JACOB HOLDINGS OF MEDINA, LLC  
500 FORD RD  
MINNEAPOLIS MN 55426

JACOB PROPERTIES OF ASPEN, LLC  
500 FORD RD  
MINNEAPOLIS MN 55426

JASON S. COLBAUGH  
PO BOX 1220  
BRAINERD MN 56401

JAVAN CARL  
13942 GRAND OAKS DR  
BAXTER MN 56425

JAVER ESQUIVEL  
2807 W AVE 30  
LOS ANGELES CA 90065

JC BROMAC  
11860 S. LA CIENEGA BLVD.  
LOS ANGELES CA 90250

JOHN J. SORCI TRUST  
2300 EAST VALLEY COURT  
SAN JOSE CA 95148

JP MORGAN CHASE BANK, N.A.  
726 MADISON AVENUE  
NEW YORK NY 10021

KAPLAN STRANGIS & KAPLAN PA  
5500 WELLS FARGO CENTER  
90 SOUTH 7TH STREET  
MINNEAPOLIS MN 55402

KELLY K. HECKER  
13905 - 53RD AVE N. APT. 1  
PLYMOUTH MN 55446

KLEINBANK  
14141 GLENDALE ROAD  
SAVAGE MN 55378

KLOBUCAR, JEFFREY D, ESQ  
250 MARQUETTE AVE  
STE 1200  
MINNEAPOLIS MN 55401

KSTP-FM LLC  
3415 UNIVERSITY AVE  
SAINT PAUL MN 55114

LAKE BANK, N.A., THE  
613 FIRST AVENUE  
TWO HARBORS MN 55616

LLOYD SECURITY  
1097 10TH SE  
MINNEAPOLIS MN 55414

LUBIC, MICHAEL, ESQ.  
601 S FIGUEROA ST  
STE 2500  
LOS ANGELES CA 90017-5704

M&I BANK  
770 N. WATER STREET  
MILWAUKEE WI 53202

MAC OF PINE CITY, LLC  
3221 32ND AVENUE SOUTH  
SUITE 900  
GRAND FORKS ND 58201

MARC D. KOHL  
39101 DARLING LANE  
HINCKLEY MN 55037

MARC E TRESSLER  
3400 BARBARA LN  
BURNNSVILLE MN 55337

MARSH CONSUMER  
333 SOUTH SEVENTH, STE 1600  
MINNEAPOLIS MN 55402-2427

MARSHALL BANK FIRST  
225 SOUTH SIXTH STRI  
MINNEAPOLIS MN 5540

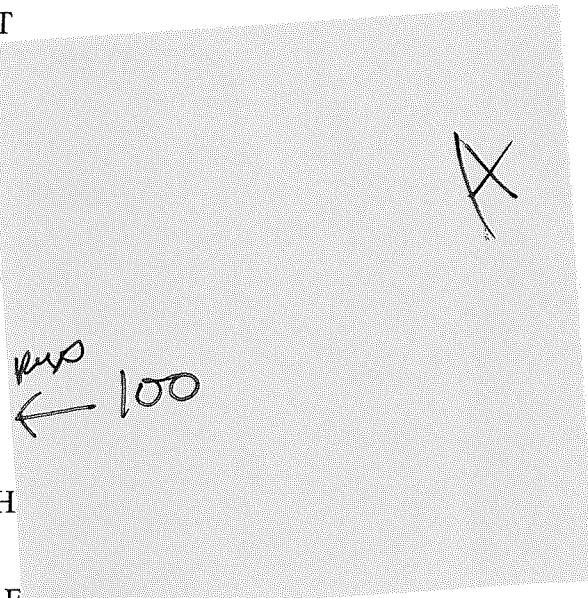
MCENROE, CATHERINE  
LEONARD STREET & DE  
150 S FIFTH ST STE 2300  
MINNEAPOLIS MN 55402

MICHAEL REYES  
PO BOX 205  
BACKUS MN 56435

MIKDEN PROPERTIES  
7002 6TH STREET NORTH  
OAKDALE MN 55128

MINNESOTA DEPT. OF RE  
MAIL STATION 7701  
SAINT PAUL MN 55146-7701

MINNESOTA DEPT. OF REVENUE  
PO BOX 64649  
SAINT PAUL MN 55164-0649



MIRAGE  
3400 LAS VEGAS BLVD  
LAS VEGAS NV 89109

MN DEPT OF PUBLIC SAFETY  
DRIVER & VEHICLE SERVICES  
445 MINNESOTA ST  
SAINT PAUL MN 55101-5160

MN DEPT OF PUBLIC SAFETY  
DRIVER AND VEHICLE SERVICES  
445 MINNESOTA ST  
SAINT PAUL MN 55101

NATHAN THIEMAN  
1030 8TH AVE SW  
PINE CITY MN 55063

NEIMAN MARCUS  
P.O. BOX 5235  
CAROL STREAM IL 60197

NEVADA STATE BANK  
6505 NORTH BUFFALO DRIVE  
LAS VEGAS NV 89131

NIEDERNHOEFER, MANFRED  
1563 RIVERCREST RD  
LAKELAND MN 55043

NITROGREEN  
P.O. BOX 41  
MAPLE PLAINE MN 55359

NORTHMARQ CAPITAL  
3500 AMERICAN BLVD WEST, SUITE 500  
BLOOMINGTON MN 55431

NORTHRIDGE FARM ASSOCIATION  
P.O. BOX 767  
WAYZATA MN 55391

NORTHWOODS BANK  
PO BOX 112  
PARK RAPIDS MN 56470

OLD REPUBLIC SURETY  
1503 - 42ND ST  
STE 100  
DES MOINES IA 50305

PRALLE, GARY  
3625 PINE HOLLOW PL  
STILLWATER MN 55082

PREMIER AQUARIUM  
6340 IRVING AVE S.  
RICHFIELD MN 55423

PREMIER BANKS  
1875 W. HIGHWAY 36  
ROSEVILLE MN 55113

PRESS A DENT INC  
1154 S HIGH ST  
DENVER CO 80210

PRINDLE, DECKER & AMARO, LLP  
310 GOLDER SHORE - 4TH FLOOR  
LONG BEACH CA 90802

PROFESSIONAL SERVICE BUREAU  
11110 INDUSTRIAL CIRCLE NW  
STE B  
ELK RIVER MN 55330-0331

PROHOVSKY, BILL  
11700 CROSS AVE  
CROSSLAKE MN 56442

R. OLSON / WATERFORD PROPERTIES  
73 N. BROADWAY  
FARGO ND 58102

R. OLSON/WATERFRONT PROPERTIES  
73 N BROADWAY  
FARGO ND 58102

RANDY'S SANITATION  
P.O. BOX 169  
DELANO MN 55328

RIVERLAND BANCORPORATION  
700 SEVILLE DRIVE  
JORDAN MN 55352

RIVERWOOD BANK  
LOAN PRODUCTION OFFICE  
PO BOX 899  
CROSSLAKE MN 56442

RIVERWOOD BANK/FIRST FEDERAL SAVINGS BAN  
CROSSLAKE - LOAN PRODUCTION OFFICE  
PO BOX 899  
CROSSLAKE MN 56442

ROE, JESSICA LIPSKY, ESQ.  
BERNICK LIFSON ET AL  
500 WAYZATA BLVD STE 1200  
MINNEAPOLIS MN 55416

ROMANO, MARIA IND AND USRAC  
3800 HOWARD HUGHES PKWY  
7TH FLOOR  
LAS VEGAS NV 89169

ROWAN, CHRISTI M.  
1615 NORTHRIDGE DR  
MEDINA MN 55391

ROYAL JEWELERS  
73 BROADWAY  
FARGO, ND 58102

RUTH ANN BIEDERMAN  
414 7TH AVE NE  
PINE CITY MN 55063

SCHUYLER SCARBOROUGH  
19181 SPENCER ROAD UNIT #15  
BRAINERD MN 56401

SCOTT A. KEYPORT  
1802 AIRWAVES RD NE  
PINE CITY MN 55063

SILVER CLIFF ASSOCIATION  
1201 CEDAR LAKE RD S.  
MINNEAPOLIS MN 55416

SOURCE GAS  
P.O. BOX 660474  
DALLAS TX 75266

ST. CROIS YACHT CLUB  
P.O. BOX 2263  
STILLWATER MN 55082

STATE OF MINNESOTA DEPT OF REVENUE  
600 NORTH ROBERT STREET  
ST. PAUL MN 55101

STORCHECK CLEANERS  
857 7TH STREET  
ST. PAUL MN 55106

SUMMERS PROPERTY MANAGEMENT  
111K AABC  
ASPEN CO 81611

TCF NATIONAL BANK  
801 MARQUETTE AVENUE  
MINNEAPOLIS MN 55402

TCHIDA, BRYANT D., ESQ.  
LEONARD STREET & DEINARD  
150 S 5TH ST STE 2300  
MINNEAPOLIS MN 55402

THE MIRAGE CASINO-HOTEL  
C/O MARK W. RUSSELL ESQ  
3400 LAS VEGAS BLVD S  
LAS VEGAS NV 89109

TOYOTA FINANCIAL SAVINGS BANK  
2485 VILLAGE VIEW DRIVE  
SUITE 200  
HENDERSON NV 89074

TOYOTA FINANCIAL SERVICES  
301 CARLSON PKWY, STE. 210  
MINNETONKA MN 55305

TOYOTA MOTOR CREDIT CORP  
301 CARLSON PKWY STE 210  
MINNETONKA MN 55305

U.S. BANK  
BC-MN-H22A  
800 NICOLLET MALL, 22ND FLOOR  
MINNEAPOLIS MN 55402

US BANK VISA CARD  
P.O. BOX 790408  
ST. LOUIS MO 63179

VENTURE BANK  
5601 GREEN VALLEY DRIVE  
SUITE 120  
BLOOMINGTON MN 55437

VFS FINANCING, INC.  
10 RIVERVIEW DR  
ATTN BETH BONELL  
DANBURY CT 06810

VICTORIA INSURANCE  
1100 LOCUST STREET  
DES MOINES IA 50391

VISION BANK  
3000 25TH ST. SOUTH  
P.O. BOX 10008  
FARGO ND 58106

WAGENER, MAURICE J.  
13700 WAYZATA BLVD  
HOPKINS MN 55305

WASHINGTON COUNTY TREASURER  
GOVERNMENT CENTER  
14949 - 62ND ST N  
STILLWATER MN 55082

WASHINGTON MUTUAL BANK, FA  
400 E MAIN ST  
STOCKTON CA 95290

WASTE PARTNERS  
P.O. BOX 677  
PINE RIVER MN 56474-0677

WATERFORD ASSOCIATION  
P.O. BOX 1353  
MINNEAPOLIS MN 55480-1353

WAYN BELISLE  
1843 EAGLE RIDGE  
MENDOTA HEIGHTS MN 55118

WELLS FARGO  
C/O DAVID GALLE  
45 SOUTH SEVENTH ST, STE 3300  
MINNEAPOLIS MN 55402

WELLS FARGO BANK N.A.  
LOAN ADJUSTMENT GROUP  
90 SOUTH 7TH STREET  
MINNEAPOLIS MN 55402

WELLS FEDERAL BANK  
53 FIRST ST. SW  
WELLS MN 56097

WI DEPT OF TRANSPORTATION  
PO BOX 7949  
MADISON WI 53707

WILLIAM BRODY  
BUCHALTERNEMER  
1000 WILSHIRE BLVD, STE 1500  
LOS ANGELES CA 90017-2457

WORLD OMNI FINANCIAL CORP.  
190 JIM MORAN BOULEVARD  
DEERFIELD BEACH FL 33442

ZAPPIA, THOMAS M., ESQ.  
ZAPPIA & LEVAHN  
941 HILLWIND RD NE STE 301  
MINNEAPOLIS MN 55432

CRAIG E REIMER  
MAYER BROWN LLP  
71 SOUTH WACKER DRIVE  
CHICAGO, IL 60606

DENNIS E. HECKER  
PO BOX 1017  
CROSSLAKE, MN 56442

HOWARD J ROIN  
MAYER BROWN LLP  
71 SOUTH WACKER DRIVE  
CHICAGO, IL 60606

MARIA ROMANO  
4744 PARADISE ROAD  
LAS VEGAS, NV 89121

SAJIDA MAHDI ALI  
MAYER BROWN LLP  
71 SOUTH WACKER DRIVE  
CHICAGO, IL 60606

STUART M ROZEN  
MAYER BROWN LLP  
71 SOUTH WACKER DRIVE  
CHICAGO, IL 60606

WILLIAM KRANZ  
MONTPETIT, FREILING & KRANZ  
222 GRAND AVENUE WEST, SUITE 100  
SOUTH ST. PAUL, MN 55075

MICHAEL J. BARRETT  
MOLLER & BARRETT, LLP  
225 SOUTH SIXTH STREET  
SUITE 4390  
MINNEAPOLIS, MN 55402

407514

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

---

In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7 Bankruptcy

Debtor.

---

**ORDER AUTHORIZING SALE OF ASSETS FREE AND CLEAR OF LIENS, CLAIMS,  
INTERESTS AND FOR ASSUMPTION AND ASSIGNMENT OF EXECUTORY  
CONTRACTS**

The above matter came before the Court on the Motion of Randall L. Seaver, Trustee ("Trustee") seeking an order authorizing sale of assets free and clear of interests and for assumption and assignment of executory contracts. More specifically, the Trustee seeks an Order (1) authorizing the sale of Debtor's membership interests, specifically, Ownership Interest Numbers 157, 186, 270, 271 and 363 in Bayport Marina Association, Inc. ("Membership Interests") to Hasse A&Y, LLC ("Buyer") free and clear of all liens, claims, interests and encumbrances; and (2) authorizing and approving the assumption and assignment to Buyer of Member Power Boat Slip Lease Agreements ("Slip Contracts") and Debtor's subleases ("Subleases") (together referred to as "Contracts"). It appearing that no other or further notice need be given; a hearing on the Sale Motion having been held before this Court on \_\_\_\_\_, 2009 (the "Sale Hearing"); all objections having been resolved, overruled or withdrawn, the arguments of counsel and the record of the Sale Hearing; and after due deliberation thereon and good cause appearing therefore:

**IT IS HEREBY FOUND AND DETERMINED THAT:**

1. The Trustee's request for expedited relief is granted.
2. This Court has jurisdiction to hear and determine this Motion pursuant to 11 U.S.C.

§§157 and 1334 and Local Rule 1070-1.

3. The Notice of the Motion and of the hearing was sufficient.
4. The sale of Membership Interests to \_\_\_\_\_

and assumption and assignment of the Contracts is hereby authorized under 11 U.S.C. §363(b) and §365 of the Bankruptcy Code in a form as substantially proposed by the Trustee.

5. The assumption and assignment of the contracts is authorized under §365 of the Bankruptcy Code.

6. The Trustee and \_\_\_\_\_, through any corporate officer, are authorized and directed to execute and deliver, and empowered to fully perform under, consummate and implement, the sale and assignment, together with all additional instruments and documents that may be reasonably necessary or desirable to implement such agreements, and to take all further actions as may be reasonably requested by the parties for the purpose of assigning, transferring, granting, conveying and conferring to \_\_\_\_\_, or reducing to possession, any or all Membership Interests and Contracts, or as may be necessary or appropriate to the performance of the obligations of the Trustee.

7. Pursuant to 11 U.S.C. §365, the Trustee is authorized to assume the Slip Contracts between the Debtor and Bayport Marina Association, Inc., as well as the Subleases.

8. The Trustee is authorized to assign the Contracts to \_\_\_\_\_ with all the rights and obligations, claims, and liabilities of the Debtor under the Contracts. Further, the Trustee shall cure the arrearages to Bayport Marina, Inc., estimated to be \$16,014.41, from the proceeds of this sale.

9. Pursuant to 11 U.S.C. §§ 105(a), 363(b) and 363(f)(3), the Membership Interests shall be transferred to \_\_\_\_\_

free and clear of all claimed liens, claims and interest, with such liens, claims and interests, if any, to attach to the proceeds in the same dignity, priority and effect as they held at the commencement of the case with the exception that the Trustee may surcharge the proceeds in the amount of \$50,000.00.

The Trustee shall hold the net proceeds of the sale in the Trustee's trust account subject to further order of the Court.

10. \_\_\_\_\_ has acted in good faith within the meaning of 11 U.S.C. §363(m).

11. This Court retains exclusive jurisdiction to (i) enforce and implement the terms and provisions of the Sale and each of the agreements executed in connection therewith, (ii) compel delivery of the Membership Interests to \_\_\_\_\_, (iii) resolve any disputes arising under or related to the Sale Motion, except as otherwise provided therein, (iv) enjoin the assertion of Claims against Buyer or the Membership Interests, and (v) interpret, implement and enforce the provisions this Sale Order.

12. Notwithstanding Bankruptcy Rules 6004(g) and 6006(d), and as provided by Bankruptcy Rule 7062, this Sale Approval Order shall be effective and enforceable immediately upon entry.

**BY THE COURT:**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Robert J. Kressel  
U.S. Bankruptcy Court Judge

407703